

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 4:04-cr-50044-1

v.

Honorable Thomas L. Ludington

MUKUNDA DEV MUKHERJEE,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION AND  
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL**

On December 29, 2004, Defendant was indicted by a grand jury on one count of Conspiracy to Illegally Distribute Schedule II, III, and V Controlled Substances, 53 Counts of Illegal Distribution of Schedule II, III and V Controlled Substances, and one forfeiture count. ECF No. 39. On February 3, 2006, the jury returned its verdict. Defendant was found guilty of 43 counts of illegal distribution. ECF No. 80. On October 26, 2006, Judge Gadola sentenced Defendant to 20 years for 12 counts, five years for 14 counts, and one year for 18 counts. ECF No. 122. Judge Gadola explained, “[A]ll counts to be served consecutive to all others; all intended to accomplish a life sentence.” *Id.* On August 14, 2008, the Sixth Circuit affirmed Defendant’s conviction and sentence. ECF No. 154.

On May 3, 2010, Defendant filed a motion to vacate sentence under 28 U.S.C. § 2255. ECF No. 160. After Judge Gadola’s retirement, the case was reassigned to Judge Ludington. *See* ECF No. 204. On April 29, 2013, Defendant’s Motion to Vacate was denied. ECF No. 207. On June 10, 2014, the Sixth Circuit affirmed. ECF No. 216.

Defendant filed a motion for compassionate release due to the COVID-19 pandemic on January 8, 2021. ECF No. 226. The Government timely responded, and Defendant replied. ECF Nos. 228, 229, 230, 231. His Motion was denied with prejudice. ECF No. 234. On May 21, 2021, Defendant filed a notice of appeal, a motion for leave to appeal in forma pauperis, and a motion for reconsideration. ECF Nos. 236, 237, 238.

Defendant was represented by retained counsel at trial. Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915 provide that a party that seeks to proceed in forma pauperis on appeal must include an affidavit that “(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.” Defendant did not provide any documentation of his inability to pay nor did he explain which issues he intends to present on appeal. His Motion will be denied.

Defendant's Motion for Reconsideration is one page long and appears to be missing subsequent pages. He states that the Order “was entered in clear error,” but does not provide any explanation of the alleged error or relevant legal authority. His Motion for Reconsideration will also be denied.

Accordingly, it is **ORDERED** that Defendant's Motion for Leave to Proceed in Forma Pauperis, ECF No. 237, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Reconsideration, ECF No. 238, is **DENIED**.

Dated: June 17, 2021

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge